

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARRAY BIOPHARMA INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-1277 (GBW)
	)	
ALEMBIC PHARMACEUTICALS	)	
LIMITED,	)	
	)	
Defendant.	)	

**STIPULATION AND ORDER OF DISMISSAL**

WHEREAS Plaintiff Array Biopharma Inc. (“Plaintiff”) timely brought suit against Defendants Alembic Pharmaceuticals Limited (“Alembic” or “Defendant”) and Alembic Pharmaceuticals, Inc. in this District, C.A. No. 22-1277 (GBW), charging Defendants with, *inter alia*, infringement of U.S. Patent Nos. 9,314,464, 9,850,229, 10,005,761, 9,562,016, 9,598,376 and 9,980,944 (“Patents-in-Suit”); and

WHEREAS Plaintiff dismissed Defendant Alembic Pharmaceuticals, Inc. from this lawsuit on September 28, 2022. (D.I. 13.)

IT IS HEREBY STIPULATED by Plaintiff and Defendant, subject to the approval of the Court, that:

1. All claims and counterclaims between Plaintiff and Defendant are dismissed without prejudice.
2. Each party shall bear its own costs, attorneys’ fees and expenses incurred in connection with the claims and counterclaims dismissed by this Order.
3. The parties have entered into a settlement and license agreement with respect to their respective claims (the “Settlement and License Agreement”). Defendant will not

make, have made, use, offer for sale or sell the Defendant's accused product in the United States except as provided for in the parties' Settlement and License Agreement.

4. The Court retains jurisdiction over the parties to this action for purposes of enforcing this Stipulation and Order of Dismissal and the Settlement and License Agreement.

5. This Stipulation and Order shall not act as an adjudication on the merits.

6. Nothing in this Stipulation and Order prohibits Alembic or its affiliates from maintaining its existing Paragraph IV Certifications to the Patents-in-Suit or prohibits FDA from granting final approval to Alembic's ANDA.

7. The Clerk of the Court is directed to enter this Stipulation and Order of Dismissal forthwith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Megan E. Dellinger*

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*Attorneys for Plaintiff*

June 9, 2025

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*/s/ Andrew P. DeMarco*

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*Attorneys for Defendant*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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United States District Court Judge